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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darryl Hymel

Art Unit: 2142

Serial No.: 09/505,318

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For: ACD MULTI-MEDIA CUSTOMER CONTACT
ROUTING WITH DELAY ANNOUNCEMENTS

Examiner: Thong, V.

Attorney
Docket No.: 75339

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APPELLANT'S ANSWER TO EXAMINER'S
RESPONSE UNDER 37 CFR §1.193(b)(1)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Examiner's Answer of April 7, 2004 in
in support of the applicant's Appeal Brief filed on January 21,
2004, the applicant responds as follows:

Response

In the Examiner's Answer, the Examiner asserts that
Miloslavsky discloses "receiving an Internet call from an Internet
caller by the host through the Internet [Miloslavsky, a service
assistance center can take telephone calls from user through TCP/IP
connection, col. 10 lines 46-63]" (Examiner's Answer, page 4).
However, the Examiner would appear to be mistaken in this assertion.

For example, FIG. 1 of the Applicant's specification
shows the Internet and PSTN incorporated into a single block 12,
where the block contains a shorthand label "PSTN" that refers to one

of block's two components. As would be clear to those of skill in the art, FIG. 1 of the Applicant's specification is a simplified version of a public communication system in which it would be recognized that the Internet and switched circuits of the PSTN would be distinctly separate components.

The claims make clear that the ACD is coupled to the PSTN and the host is coupled to the Internet (see e.g., claim 1, lines 2-3). The first claim element of claim 1 is limited to "receiving an Internet call from an Internet caller through the Internet". Claims 14, 27, 35 and 40 contain similar limitations.

FIG. 5 of Miloslavsky shows (and the description describes) a provider site 1102 with a server 1132 that is connected to the Internet 1106 through a TCP/IP connection 1134. The server 1132 functions to supply web documents to web browsers that request the documents (Miloslavsky, col. 10, lines 46-50). As such, col. 10, lines 46-63 of Miloslavsky fails to provide any teaching or suggestion that the server 1132 receives Internet calls.

FIG. 5 of Miloslavsky also shows the provider site 1102 as having a service assistance center 1140 "in which a number of service agents can take telephone calls from users in various customer sites" (Miloslavsky, col. 10, lines 51-52). In addition, "Service assistance center 1140 contains a computer-telephony-integration (CTI) system 11142 for accepting calls from PSTN 1160 and routing calls to a plurality of telephones, one of them is shown as telephone 1144" (Miloslavsky, col. 10, lines 52-57). Since the

Miloslavsky provider site 1102 receive calls exclusively through the PSTN 1160, Miloslavsky does not receive Internet calls.

In addition, a telephone service request received through the server 1132 (Miloslavsky, col. 12, lines 5-30) requesting that an agent call the customer site 104 also results in a call that is set up through the PSTN 1160 (Miloslavsky, col. 12, lines 45-53). Telephone service requests that result in a telephone number of the provider site 1102 being sent to the customer are similarly set up through the PSTN 1160 (Miloslavsky, col. 13, line 60 to col. 14, line 24). Since in all cases, the telephone calls of Miloslavsky are routed through the PSTN 1160, Miloslavsky fails to provide any teaching regarding the processing of Internet calls.

The Examiner next asserts that Miloslavsky discloses "requesting an agent assignment for handling the to Internet call from the automatic call distributor coupled to the public switched telephone network [Miloslavsky, CTI system comprises a switching device are ACD/PBX, col. 12 lines 52-64; PSTN 1160, Fig 5]" (Examiner's Answer, page 4). However, the term "CTI" merely refers to "a combination of telephone switching and computer information processing technologies" (Miloslavsky, page 1, lines 53-57). The mere reference to a combination of telephone switching and computer information processing technologies is not believed to be sufficient, in and of itself, to establish a relationship between Internet calls or the claimed automatic call distributor and Miloslavsky.

In addition, the invention is drawn to an agent assignment that is transferred back to the host. Under Miloslavsky, calls to the provider site 1102 are handled through the PSTN 1160. Even if the CTI system 1142 is assumed to be an automatic call distributor, the CTI system 1142 sets up calls through the PSTN 1160. It does not transfer an agent assignment back to the host, as would be required under the claimed invention.

The Examiner admits that "Miloslavsky does not detail transferring the Internet call to a terminal of the agent assigned by the automatic call distributor" (Examiner's Answer, page 4). However, the Examiner then asserts that "It is clearly the calls have been transferred and received Internet call via PSTN and ACD to the assigned agent [Cave, Web-enabled database, col 3 line 57-col 4 line 16]" (Examiner's Answer, page 4). As may be best understood from the Examiner's comments, the Examiner is apparently suggesting the Cave somehow uses Internet calls. However, as established in the Applicant's Brief of 1/21/04 (pages 6-7), Cave does not show or provide any description of the Internet or of Internet calls.

Finally, the Examiner asserts that "Therefore, it would have been obvious . . . to incorporate the technique of select an assigned agent for handling the Internet call from PSTN to ACD as taught by Cave into Miloslavsky's system in order to utilize the communication of multimedia data via Internet" (Examiner's Answer, pages 4-5). In this regard, from a close reading of the Examiner's conclusion, it appears that the Examiner does not even suggest that

Cave teaches or suggests the claim element of "transferring the Internet call to a terminal of the agent assigned by the automatic call distributor". Since the Examiner does not go so far as to even suggest that all the claim elements are taught by the combination of Miloslavsky and Cave, the rejection of the claims should be reversed on that basis alone, if for no other reason.

The Examiner asserts that "Claims 14, 27, 35, 41 and 42 contain the similar limitations set forth in claim 1. Therefore, claims 14, 27, 35, 41, 42 are rejected for the similar rationale set forth in claim 1" (Examiner's Answer, page 5). It is noted, first, that the application does not contain a claim 42.

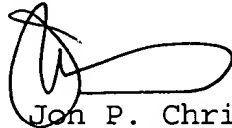
It is note next, in this regard, that claim 41 does not, in fact, contain limitations that are similar to those set forth in claim 1. In fact, claim 42 is limited to "presenting information to the caller as the caller waits for setup of the real-time conference". It is believed in this regard that neither Miloslavsky or Cave provide any teaching regarding the presentation of information to a caller as the caller waits for setup of the real-time conference.

For the foregoing reasons, reversal of the rejection of claims 1-41, as now presented, is believed to be in order. It is respectfully requested that this Board reverse the decision of the Examiner in all respects.

Respectfully submitted,

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